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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,568	04/13/2004	Robin J. Harvey	B-3750NP 621449-5	6560
7590 12/29/2005				
Richard P. Berg, ESQ. c/o LADAS & PARRY Suite 2100 5670 Wilshire Boulevard Los Angeles, CA 90036-5679			EXAMINER PHAN, THO GIA	
			ART UNIT 2821	PAPER NUMBER

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary	Application No. 10/824,568	Applicant(s) HARVEY, ROBIN J.	
	Examiner Tho G. Phan	Art Unit 2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-19 and 21 is/are allowed.
- 6) ☒ Claim(s) 1,9 and 20 is/are rejected.
- 7) ☒ Claim(s) 2-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 9 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Spencer (5,757,323) [of record].

Spencer in figures 1-4 discloses a central dielectric portion (at reference center 7, best seen in figure 4) having a first side and a second side opposite the first side; a first dielectric taper portion (at 3, column 2, line 17) having a first dielectric taper portion proximal side connected with the first side of the central dielectric portion and a first dielectric taper portion distal side; and a second dielectric taper portion (the tapered ended portion "un-numbered" inside the tapered portion 4, see figure 4, column 2, lines 14-15) having a second dielectric taper portion proximal side connected with the second side of the central dielectric portion and a second dielectric taper portion distal side, wherein at least one between the first dielectric taper portion and the second dielectric taper portion is bendable (see figure 5). Regarding claim 20, Spencer also teaches a central dielectric portion (at reference center 7, best seen in figure 4) having a first side and a second side opposite the first side; a first dielectric taper portion (at 3, column 2, line 17) having a first dielectric taper portion proximal side connected with the first side of the central dielectric portion and a first dielectric taper portion distal

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side, the first dielectric taper portion proximal side having a first dielectric taper proximal width (adjacent the reference center 7), the first dielectric taper portion distal side having a first dielectric taper distal width (end portion of the rod), the first dielectric taper proximal width being greater than the first dielectric taper distal width; and a second dielectric taper portion (figure 4, column 2, lines 14-15) having a second dielectric taper portion proximal side (adjacent the reference center 7) connected with the second side of the central dielectric portion and a second dielectric taper portion distal side (end portion of the rod), the second dielectric taper portion proximal side having a second dielectric taper proximal width, the second dielectric taper portion distal side having a second dielectric taper distal width, the second dielectric taper proximal width being greater than the second dielectric taper distal width.

Allowable Subject Matter

2. Claims 10-19 and 21 are allowed.
3. Claims 2-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

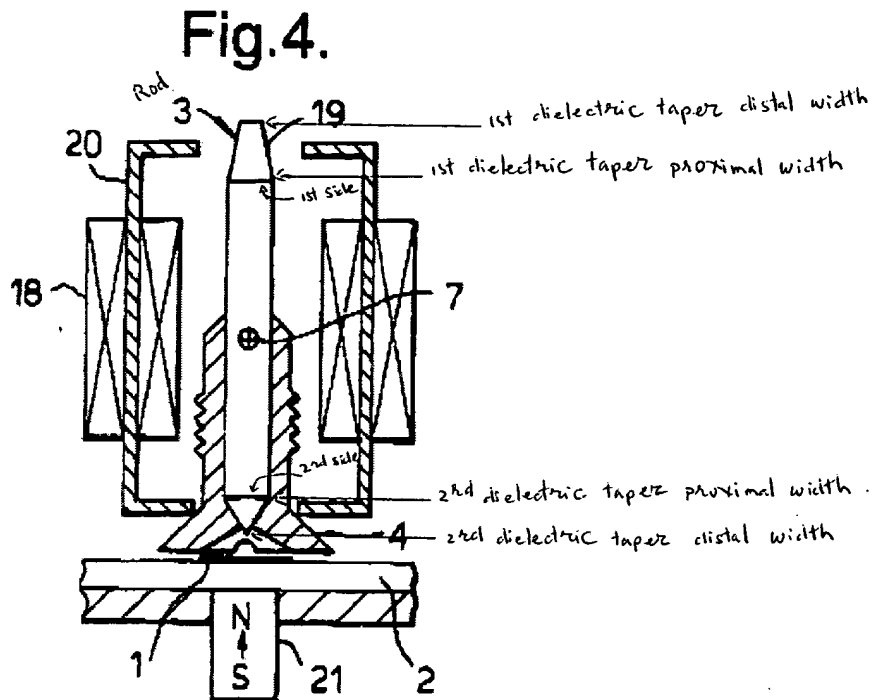
Response to Arguments

4. Applicant's arguments filed 9/21/05 have been fully considered but they are not persuasive.

Applicant argues that Spencer fails to teach a central dielectric portion having a first side and a second side opposite the first side; a first dielectric taper portion having a first dielectric taper portion proximal side connected with the first side of the central dielectric portion and a first dielectric taper portion distal side; and a second dielectric taper portion having a second dielectric taper portion proximal side connected with the second side of the central dielectric portion and a second dielectric taper portion distal side. However, as clearly shown in figure 4, Spencer discloses a central dielectric portion (at reference center 7) having a first side (top horizontal line) and a second side (bottom horizontal line) opposite the first side; a first dielectric taper portion (at 3, column 2, line 17) having a first dielectric taper portion proximal side connected with the first side of the central dielectric portion and a first dielectric taper portion distal side; and a second dielectric taper portion (the tapered portion “un-numbered” inside the tapered portion 4, see below figure 4, column 2, lines 14-15) having a second dielectric taper portion proximal side connected with the second side of the central dielectric portion and a second dielectric taper portion distal side. Applicant also argues that reference 3 in figure 4 is not an entire rod. Examiner respectfully disagrees with applicant’s position, Spencer discloses that the dielectric guide rod 3 is an entire rod (see column 2, lines 14-15, column 3, lines 43-44, figure 1). Applicant also argues that the horizontal lines on guide rod 3 (figure 4) above and below the phase center 7 reference item can not be considered as “sides” of the guide rod; Applicant states that they “sides” could be edges where the diameter of the guide rod 3 changes abruptly. Examiner respectfully disagrees with Applicant’s position, Spencer

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teaches that the dielectric guide may be formed **integrally** with the dielectric rod (column 1, lines 23-25); the **integrally** formed dielectric guide and dielectric rod, hereinafter referred to as a dielectric guide rod or guide rod (column 1, lines 28-29); the dielectric guide rods 3 each comprise a **tubular tapered section** (column 2, lines 14-15).... Based on that teaching of Spencer, Examiner respectfully asserts that the horizontal lines on guide rod 3 above and below the phase center 7 reference item are the "sides" of the guide rod 3. Furthermore, Applicant also argues that Spencer fails to teach a first dielectric taper portion proximal width, a first dielectric taper portion distal width, a second dielectric taper portion proximal width and a second dielectric taper portion distal width. Examiner respectfully confirms that Spencer discloses the first dielectric taper portion proximal side having a first dielectric taper proximal width (at the top horizontal line, adjacent the reference center 7, figure 4), the first dielectric taper portion distal side having a first dielectric taper distal width (end portion of the rod), the first dielectric taper proximal width being greater than the first dielectric taper distal width; and a second dielectric taper portion (figure 4, column 2, lines 14-15) having a second dielectric taper portion proximal side (at the bottom horizontal line, adjacent the reference center 7) connected with the second side of the central dielectric portion and a second dielectric taper portion distal side (end portion of the rod), the second dielectric taper portion proximal side having a second dielectric taper proximal width, the second dielectric taper portion distal side having a second dielectric taper distal width, the second dielectric taper proximal width being greater than the second dielectric taper distal width.



Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tho G. Phan whose telephone number is 571-272-1826. The examiner can normally be reached on M-F, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tho G Phan
Primary Examiner
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